

## BAKERY PRODUCTS

**4919. Adulteration of cheese cake. U. S. v. New Essential Cheese Cake Co., Inc., Max Jacobs and Samuel Galst. Pleas of guilty. Fine, \$500 on the first count and sentence suspended on the remaining 3 counts with respect to corporation. Max Jacobs and Samuel Galst sentenced to 3 months imprisonment on each of the 4 counts, sentences to run concurrently. (F. D. C. No. 7682. Sample Nos. 84359-E, 84369-E, 84381-E, 84382-E.)**

This product contained rodent hair fragments, hair resembling cat hair, splinters of wood, metal fragments, insect fragments, numerous plant fragments, pebbles, human hair fragments, and a fragment of cardboard.

On June 29, 1943, the United States attorney for the Eastern District of New York filed an information against the New Essential Cheese Cake Co., Inc., at Brooklyn, N. Y., and Max Jacobs and Samuel Galst, officers of the corporation, alleging shipment within the period from on or about April 12 to 23, 1942, from the State of New York into the State of New Jersey of a quantity of cheese cake that was adulterated in that it consisted in whole or in part of a filthy substance, and in that it had been prepared under insanitary conditions whereby it may have become contaminated with filth. Portions of the article were labeled in part: "California Cheese Cake." The remainder of the product was unlabeled.

On July 16, 1943, pleas of guilty having been entered on behalf of the defendant corporation and the individual defendants, the court imposed a fine of \$500 against the corporation on count 1. Sentence was suspended on counts 2, 3 and 4 with respect to the corporation. The court imposed a sentence of 3 months imprisonment on each of the 4 counts contained in the information, to be served concurrently, against each of the individual defendants.

**4920. Adulteration of bakery products. U. S. v. The Great Atlantic and Pacific Tea Co., Inc. Plea of nolo contendere. Fine, \$500. (F. D. C. No. 8828. Sample Nos. 28275-F, 28277-F, 28279-F.)**

On May 12, 1943, the United States attorney for the Southern District of Florida filed an information against the Great Atlantic and Pacific Tea Co., Inc., Jacksonville, Fla., alleging shipment on or about December 17, 1942, from the State of Florida into the State of South Carolina of a quantity of bakery products that were adulterated in that they consisted in whole or in part of filthy substances by reason of the presence therein of rodent hair fragments and insect fragments, and in that they had been prepared under insanitary conditions whereby they might have become contaminated with filth. The article was labeled in part: "Jane Parker Golden Pound Cake [or "Devil's Food Bar" or "Orange Pineapple Coffee Cake"]."

On June 7, 1943, a plea of nolo contendere having been entered on behalf of the defendant, the court imposed a fine of \$500.

**4921. Adulteration and misbranding of cake. U. S. v. Old Plantation Baking Co. Plea of guilty. Fine, \$300. (F. D. C. No. 8782. Sample Nos. 15543-F to 15549-F, incl.)**

This product contained rodent hairs, mammalian hairs resembling rodent hairs, insect parts, feather barbules, nondescript dirt, carbon, and threads.

On February 12, 1943, the United States attorney for the District of Montana filed an information against the Old Plantation Baking Co., a corporation, at Helena, Mont., alleging shipment on or about July 21, 1942, from the State of Montana into the States of North Dakota and Washington of a quantity of cake that was adulterated and misbranded. The article was labeled in part: "Eddy's Butterscotch Cake [or "Chocolate Cake," "Burnt Sugar Cake," "Banana Flip," or "Applesauce"]," or "Fresh Banana Flip Made with Fresh Ripe Bananas."

The cake was alleged to be adulterated in that it consisted in whole or in part of a filthy substance, and in that it had been prepared, packed, or held under insanitary conditions whereby it may have become contaminated with filth.

The lot labeled in part "Fresh Banana Flip Made with Fresh Ripe Bananas" was alleged to be misbranded in that the statements "Fresh Banana" and "Made with Fresh Ripe Bananas" were false and misleading in that the statements represented and suggested that the article had been made with fresh, ripe bananas, whereas it had not been made with fresh, ripe bananas. It was alleged to be misbranded further in that it contained artificial flavoring and did not bear labeling stating that fact.

On June 17, 1943, a plea of guilty having been entered on behalf of the defendant, the court imposed a fine of \$300.

**4922. Adulteration of doughnuts. U. S. v. Cottage Donuts, Inc. Plea of guilty. Fine, \$500. (F. D. C. No. 7707. Sample Nos. 84576-E, 89171-E, 89172-E, 89174-E.)**

On November 10, 1942, the United States attorney for the Northern District of New York filed an information against Cottage Donuts, Inc., at Watervliet, N. Y., alleging shipment on or about March 24 and 25, 1942, from the State of New York into the States of Connecticut and Massachusetts of quantities of doughnuts that were adulterated in that they consisted in whole or in part of filthy substances by

reason of the presence therein of filth, mammalian hair fragments, human hairs, and nondescript dirt, and in that they had been prepared under insanitary conditions whereby they might have become contaminated with filth. They were labeled in part: "Home Circle Doughnuts," or "Bell Doughnuts."

On June 9, 1943, a plea of guilty having been entered on behalf of the defendant, the court imposed a fine of \$500.

**4923. Adulteration of Potato-Pop-Chips. U. S. v. The Royale Popcorn Sales Co. Plea of guilty. Fine, \$750 and costs. (F. D. C. No. 8809. Sample 22425-F.)**

This product contained rodent hairs.

On March 16, 1943, the United States attorney for the Northern District of Ohio filed an information against the Royale Popcorn Sales Co., a corporation, at Cleveland, Ohio, alleging shipment on or about October 23, 1942, from the State of Ohio into the State of New Jersey of a quantity of a food, invoiced as "Potato-Pop-Chips," which was adulterated in that it consisted in whole or in part of a filthy substance, and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

On April 13, 1943, a plea of guilty having been entered on behalf of the defendant, the court imposed a fine of \$750 and costs.

**4924. Adulteration of bakery products. U. S. v. Gilt Edge Bakery Products, Inc. Plea of guilty. Fine, \$100 on each of 4 counts. Payment of fines on counts 3 and 4 suspended. (F. D. C. No. 8829. Sample Nos. 4475-F to 4477-F, incl., 4575-F to 4577-F, incl., 31741-F, 31742-F.)**

This product has been prepared under insanitary conditions, and samples from various shipments were found to contain rodent hairs and insect fragments.

On April 13, 1943, the United States attorney for the Southern District of Ohio filed an information against the Gilt Edge Bakery Products, Inc., at Cincinnati, Ohio, alleging shipment within the period from on or about November 19 to December 4, 1942, from the State of Ohio into the States of Kentucky and Indiana of a quantity of bakery products that were adulterated. The article was labeled in part: "Patsy-Ann Dainty Assortment Cookies," "Super Value Patsy Ann Cookies," "Patsy-Ann Basket Assorted 10c Cookies," "Vanilla Wafers 10c Really Good," or "Patsy Ann Toasted Oatmeal Cookies."

A portion of the article was alleged to be adulterated in that it consisted in whole or in part of a filthy substance. All of the product was alleged to be adulterated in that it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

On June 3, 1943, a plea of guilty having been entered on behalf of the defendant corporation, the court imposed a fine of \$100 on each of the 4 counts contained in the information, but suspended payment of the fine on counts 3 and 4.

**4925. Adulteration of bakery products. U. S. v. 50 Cartons of Cookies (and 2 additional seizure actions against bakery products). Default decrees of condemnation and destruction. (F. D. C. Nos. 9134, 9168, 9351. Sample Nos. 12447-F to 12454-F, incl., 12477-F, 30514-F.)**

On January 8 and 18, and February 10, 1943, the United States attorneys for the District of Idaho and the District of Oregon filed libels against 50 cartons of cookies at Twin Falls, Idaho, 115 cases of variously labeled bakery products at Lewiston, Idaho, and 22 cases of cookies at Corvallis, Oreg., alleging that the articles had been shipped in interstate commerce on or about December 14, 1942, and January 25, 1943, by the American Cracker Co. from Seattle, Wash.; and charging that they were adulterated in that they consisted wholly or in part of a filthy substance, rodent-like hairs, and in that they had been prepared under insanitary conditions whereby they may have become contaminated with filth. The articles were labeled in part: "Rainbows," "Sugar Honey-Sweet Graham Crackers," "Delicious Tasty Maid Soda Wafers Slightly Salted," "Harvest Assortment," "Toasted Sweeties," "Rum and Butter Sandwich," "Ginger Snaps," or "Colonial Sandwich."

On April 6 and 9, 1943, no claimant having appeared, judgments of condemnation were entered and the products were ordered destroyed.

**4926. Adulteration of cookies. U. S. v. 50 Cases of Cookies. Default decree of condemnation and destruction. (F. D. C. No. 9595. Sample Nos. 10298-F, 10299-F.)**

This product was contaminated with naphthalene or creosote. The time at which such contamination occurred was not determined.